

1 *Add Division 1.5, Chapters 1 and 2, and Sections 19800, 19801, and 19803 through*  
2 *19805, to read:*

3 **TITLE 5. Education**

4 **Division 1.5. Education Audit Appeals Panel**

5 **Chapter 1. General Provisions**

6 **§ 19800. Definitions.**

7 The following definitions shall apply to these regulations:

8 (a) “Final audit report” means:

9 (1) for an annual audit conducted pursuant to Education Code Section 41020, the  
10 report that has been accepted by the Controller pursuant to Education Code Section  
11 14504, and

12 (2) for any other audit or review conducted by or for a governmental agency that  
13 includes one or more apportionment significant exceptions requiring repayment, the  
14 report issued following an opportunity to provide a written response to a draft report;

15 (b) “Panel” means the Education Audit Appeals Panel.

16 (c) “Parties to the appeal” means the local education agency that is pursuing an appeal  
17 to the Panel, the Controller, and any applicant(s) allowed to intervene pursuant to  
18 Government Code Section 11440.50.

19 (d) “Summary review” means the voluntary, informal, summary appeals process set  
20 forth in Education Code Section 41344.1(d).

21 NOTE: Authority cited: Section 41344.1, Education Code. Reference: Sections 14504,  
22 41020, 41344, and 41344.1, Education Code.

23 **§ 19801. Quorum; Majority Vote; Limitations on Public Comments.**

24 (a) A quorum shall be two of the three members then constituting the Panel.

1        (b) All decisions of the Panel shall be by majority vote of the three members then  
2        constituting the Panel.

3        (c) Public comment on each item of a Panel agenda shall be limited to 3 minutes per  
4        speaker, provided that the Panel may extend this limit by a uniform amount per speaker.

5        NOTE: Authority cited: Section 41344.1, Education Code. Reference: Section  
6        41344.1, Education Code.

## 7                                **Chapter 2. Summary Review; Appeals**

### 8        **§ 19803. Request for Summary Review Filing; Form of Request for Summary** 9        **Review; Withdrawal of Request for Summary Review.**

10        (a) To request summary review, a local education agency shall, within 30 days of  
11        receipt of the final audit report, file a written Request for Summary Review with the  
12        Executive Officer of the Panel and shall:

13        (1) identify each finding for which summary review is requested; and

14        (2) set forth the basis for the local education agency's claim, as to each disputed  
15        finding, that it was in substantial compliance, as set forth in Education Code Section  
16        41344.1(c).

17        (b) A local education agency may withdraw a Request for Summary Review at any  
18        time prior to issuance of a determination by notifying the Executive Officer of the Panel  
19        in writing.

20        NOTE: Authority cited: Section 41344.1, Education Code. Reference: Section  
21        41344.1, Education Code.

### 22        **§ 19804. Appeal Filing; Form of Notice of Appeal; Withdrawal of Appeal.**

23        (a) To present an appeal to the Panel, a local education agency shall, within 60 days  
24        of receipt of the final audit report or within 30 days of receipt of the determination of a

1 summary review, file a written Notice of Appeal with the Executive Officer of the Panel,  
2 identifying each finding being appealed:

3 (b) A local education agency may withdraw an appeal at any time prior to issuance of  
4 a decision by the Panel. The local education agency shall give prompt written notice of  
5 the withdrawal:

6 (1) to the Executive Officer of the Panel,

7 (2) if the appeal is pending before the Office of Administrative Hearings,

8 (A) to the administrative law judge assigned responsibility for the matter, or

9 (B) if the matter has not been assigned to a particular administrative law judge, to the  
10 Director of the Office of Administrative Hearings, and

11 (3) to all parties to the appeal.

12 NOTE: Authority cited: Section 41344.1, Education Code. Reference: Sections 41344  
13 and 41344.1, Education Code.

14 **§ 19805. Intervention.**

15 Government Code Section 11440.50, concerning intervention, grant of motion, and  
16 conditions, shall apply to appeal proceedings of the Panel.

17 NOTE: Authority cited: Section 41344.1, Education Code. Reference: Section  
18 41344.1, Education Code.

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